

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT HOLLINGSHEAD,

Petitioner,

v.

JIM ROBERTSON,

Respondent.

No. 2:22-cv-1228 KJN P

ORDER

Petitioner is a state prisoner, proceeding pro se. His application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, is currently pending. Petitioner has not, however, filed an in forma pauperis affidavit or paid the required filing fee (\$5.00). See 28 U.S.C. §§ 1914(a); 1915(a).

This action was opened in the Northern District of California when petitioner filed a motion for stay and abeyance. On June 15, 2022, petitioner filed a letter in the Northern District stating that he had submitted a trust account withdrawal to prison staff for payment of the \$5.00 filing fee to the U.S. District Court Clerk for the Northern District of California. (ECF No. 8.) Petitioner also stated that his family member would be sending in a check for the \$5.00 filing fee. However, the case was subsequently transferred to the Eastern District of California, and the record reflects no payment of the filing fee or filing of an application to proceed in forma pauperis by petitioner. Petitioner is advised that no action can be taken on his petition until he

1 either pays the court's filing fee or is granted leave to proceed in forma pauperis. Thus, petitioner  
2 is provided the opportunity to submit the appropriate filing fee, demonstrate the filing fee was  
3 submitted to the Northern District of California, or submit an affidavit in support of a request to  
4 proceed in forma pauperis.


5 In accordance with the above, IT IS HEREBY ORDERED that:

6 1. Petitioner shall submit, within thirty days from the date of this order, the appropriate  
7 filing fee, demonstrate the filing fee was submitted to the Northern District of California, or  
8 submit an affidavit in support of a request to proceed in forma pauperis.

9 2. The Clerk of the Court is directed to send petitioner a copy of the in forma pauperis  
10 form used by this district.

11 Dated: October 17, 2022

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE